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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,230	04/07/2006	Norihiro Suzuki	1391.1072	6966
21171	7590	10/13/2009	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			SANDERS, HOWARD J	
			ART UNIT	PAPER NUMBER
			3653	
			MAIL DATE	DELIVERY MODE
			10/13/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/575,230

Applicant(s)

SUZUKI ET AL.

Examiner

HOWARD SANDERS

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-7 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Amendment received 6/08/09 was entered into the record.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, and 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Takatoshi et al. US 5,755,434. Regarding claims 1 and 4-6, Takatoshi et al discloses a bottom removal type paper supply apparatus having:

a paper support base (2) on which paper is stacked located at a bottom part of the bottom removal type paper supply apparatus;

a first pickup roller (51) provided at an end portion of the paper stacked on the paper support base, on a side toward a body of the bottom removal type paper supply apparatus and which picks a paper sheet from the paper stacked on the paper support base from the bottom and transports the paper sheet on a paper path;

a pressing roller (50) which may apply pressure to the paper stacked on the paper support base towards the first roller, and which is provided at the end portion of the paper stacked on the paper support base;

a second pickup roller (21) provided at a central portion of the paper stacked on the paper support base, and selectively assisting the first pickup roller to transport the paper sheet into the bottom removal type paper supply apparatus including when the paper stack weighs more than a prescribed weight; and

a shutter (including 60) switchable between an open state in which the paper is in contact with the second pickup roller enabling the second pickup roller to assist the first pickup roller to transport the paper on the paper path, and a closed state in which the shutter prevents contact between the paper and the second pickup roller, the shutter being provided on the second pickup roller (Column 5, lines 13-40 and Figures 10-12).

The shutter may prevent contact between the second pickup roller and the paper stack including while the paper stack weighs less than the prescribed weight.

The apparatus further comprising a sensor (52) located along the paper path to sense when the first pickup roller fails to transport the paper on the paper path while the shutter is in the closed state, and to send a control signal to switch the shutter in the open state, the shutter being controlled to be in the open state including when a failure of the first pickup roller to transport the paper on the paper path has occurred, and to be in the closed state while the first pickup roller successfully transports the paper on the paper path through the apparatus (see Column 4, line 66 – Column 5, line 40).

The shutter and the second pick-up roller have a common axis (for example (21b) in Figure 10), the shutter has at least one first portion that has an arcuate cross section (60a) which extends to a larger distance from the common axis than the pick-up roller, and at least one second portion (in the middle of 60), which extends to a smaller

distance from the common axis than the pick-up roller. The at least one first portion is in contact with the paper stacked on the paper support base when the shutter is closed.

Regarding claims 2 and 7, Takatoshi et al discloses a pressing roller that applies pressure. As with all mechanical components the roller is capable of being adjusted. Furthermore, the roller is such that pressure may be increased in steps when it would be desired. Applicant is encouraged to claim actual components that enable that which has only been claimed thus far as a desired way of using parts of the apparatus. Such limitations are necessary when distinguishing apparatus claims from prior art devices.

Allowable Subject Matter

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 6/8/09 have been fully considered but they are not persuasive. Applicant asserted that the second pickup roller of Takatoshi cannot be called selectively assisting the first pickup roller. The Examiner maintains that according to the broadest reasonable interpretation of those words the second pickup roller can be considered as selectively assisting the first pickup roller. Furthermore applicants argue that the first pickup roller of Takatoshi cannot be called pick a paper

sheet from the stack. The examiner disagrees. The first pickup roller may reasonably be considered as picking sheets from the stack from the bottom.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 4,715,593 and JP 2000339510 both teach using an adjustable pressing roller in a relevant manner.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **HOWARD SANDERS** whose telephone number is

(571)270-3096. The examiner can normally be reached on Mon - Fri, 7:15 AM - 4:45 PM EST, Alt. Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on 571-272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick H. Mackey/
Supervisory Patent Examiner, Art
Unit 3653

/H. S./
Examiner, Art Unit 3653